

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MELODY CELESTE FAIRCHILD,

Plaintiff,

v.

NATIONAL EDUCATION LOAN  
NETWORK INCORPORATION,

Defendant.

NO: 12-CV-0503-TOR

ORDER OF DISMISSAL

Federal Rule of Civil Procedure 4(m) provides that a complaint must be served upon a defendant within 120 days of filing. Rule 4(m) also governs the procedure that a district court must follow in the event that service is not completed within 120 days:

If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

1 Plaintiff filed a Complaint in this case on August 7, 2012. ECF No. 1. No  
2 summons was issued, nor was there any further activity in this case. On November  
3 27, 2012, the Court issued an Order for Plaintiff to show cause, on or before the  
4 120 day deadline for service of December 5, 2012, as to why this matter should not  
5 be dismissed. ECF No. 2. Plaintiff has submitted no response to the Court's Order  
6 to Show Cause.

7 **ACCORDINGLY, IT IS HEREBY ORDERED:**

8 All claims and causes of action in this matter are **DISMISSED** without  
9 prejudice.

10 The District Court Executive is hereby directed to enter this Order, furnish a  
11 copy to Plaintiff at her last known address, and **CLOSE** the file.

12 **DATED** this 12<sup>th</sup> day of December, 2012.

13 *s/ Thomas O. Rice*

14 THOMAS O. RICE  
15 United States District Judge  
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